



General Assembly

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Amendment

LCO No. 6018

HB0587306018HDO

Offered by:

REP. HURLBURT, 53rd Dist.
REP. BERGER, 73rd Dist.
REP. FLOREN, 149th Dist.
REP. WILLIS, 64th Dist.
REP. SPALLONE, 36th Dist.
REP. KEHOE, 31st Dist.
REP. PAWELKIEWICZ, 49th Dist.
REP. SAYERS, 60th Dist.
REP. MCMAHON, 15th Dist.
REP. PANARONI, 102nd Dist.
REP. WRIGHT, 41st Dist.
REP. DAVIS, 117th Dist.
REP. ROY, 119th Dist.
REP. FONTANA, 87th Dist.
REP. JUTILA, 37th Dist.
REP. BYE, 19th Dist.
REP. MCCLUSKEY, 20th Dist.
REP. HAMM, 34th Dist.
REP. TABORSACK, 109th Dist.
REP. MALONE, 47th Dist.
REP. SHARKEY, 88th Dist.
REP. WALKER, 93rd Dist.
REP. RITTER, 38th Dist.
REP. TONG, 147th Dist.
REP. HENNESSY, 127th Dist.
REP. MEGNA, 97th Dist.
REP. CHRISTIANO, 134th Dist.
REP. NAFIS, 27th Dist.
REP. HAMZY, 78th Dist.
REP. KLARIDES, 114th Dist.
REP. CAFERO, 142nd Dist.

REP. HETHERINGTON, 125th Dist.
REP. BACCHIOCHI, 52nd Dist.
REP. GREENE, 105th Dist.
REP. D'AMELIO, 71st Dist.
REP. LABRIOLA, 131st Dist.
REP. RYAN, 141st Dist.
REP. CANDELORA, 86th Dist.
REP. ROWE, 123rd Dist.
REP. GIEGLER, 138th Dist.
REP. NOUJAIM, 74th Dist.
REP. CARON, 44th Dist.
REP. HARKINS, 120th Dist.
REP. BARTLETT, 2nd Dist.
SEN. MAYNARD, 18th Dist.
SEN. HARRIS, 5th Dist.
REP. LEWIS, 8th Dist.
REP. DREW, 132nd Dist.
REP. MORIN, 28th Dist.
REP. ARESIMOWICZ, 30th Dist.
REP. ZALASKI, 81st Dist.
REP. URBAN, 43rd Dist.
SEN. LEBEAU, 3rd Dist.
REP. GENTILE, 104th Dist.
REP. MAZUREK, 80th Dist.
REP. STONE, 9th Dist.
SEN. DEBICELLA, 21st Dist.
REP. STRIPP, 135th Dist.
REP. WILLIAMS, 68th Dist.
SEN. CALIGIURI, 16th Dist.
SEN. HARTLEY, 15th Dist.
REP. ALDARONDO, 75th Dist.

To: Subst. House Bill No. 5873

File No. 757

Cal. No. 256

**"AN ACT CONCERNING THE FACE OF CONNECTICUT ACCOUNT
STEERING COMMITTEE AND THE PRESERVATION OF
FARMLAND."**

1 In line 6, after "by" insert the following: "the Commissioner of
2 Environmental Protection, as directed by"

3 In line 7, strike "Account"

4 Strike lines 8 to 28, inclusive, in their entirety, and substitute the
5 following in lieu thereof:

6 "act for the acquisition, restoration or stewardship of properties,
7 each of which such properties, when acquired or restored, will serve
8 not less than two of the following objectives: (1) The conservation of
9 open space land, as defined in section 12-107b of the 2008 supplement
10 to the general statutes; (2) the renovation and enhancement of urban
11 parks; (3) the preservation of active agricultural land; or (4) the
12 restoration or reuse of historic resources."

13 Strike lines 29 to 53, inclusive, in their entirety and substitute the
14 following in lieu thereof:

15 "Sec. 2. (NEW) (*Effective from passage*) (a) There is established the
16 Face of Connecticut Steering Committee, which shall be within the
17 Department of Environmental Protection for administrative purposes
18 only. Such committee shall direct the expenditure of any funds
19 deposited in the Face of Connecticut account created under section 1 of
20 this act. The committee shall consist of the Commissioner of
21 Environmental Protection, the Commissioner of Economic and
22 Community Development, or the commissioner's designee, the

23 Commissioner of Agriculture, the executive director of the Connecticut
24 Commission on Culture and Tourism, the Secretary of the Office of
25 Policy and Management and ten members as follows: (1) A
26 representative of a local organization involved in historic preservation,
27 appointed by the speaker of the House of Representatives; (2) a
28 representative of a nonprofit organization involved in farmland
29 preservation, appointed by the president pro tempore of the Senate; (3)
30 a representative of a local or regional nonprofit organization involved
31 in the preservation of open space, appointed by the majority leader of
32 the House of Representatives; (4) a representative of a water company
33 actively involved in land preservation, appointed by the majority
34 leader of the Senate; (5) a representative of the agricultural industry,
35 appointed by the minority leader of the House of Representatives; (6) a
36 representative of a state-wide nonprofit involved in the preservation of
37 open space, appointed by the minority leader of the Senate; (7) a
38 representative of a state-wide nonprofit organization involved in
39 historic preservation, appointed by the Governor; (8) a representative
40 of an organization involved with community redevelopment,
41 appointed by the Governor; (9) a representative of the legislative
42 Brownfields Task Force, appointed by the speaker of the House of
43 Representatives; and (10) a representative of the environmental law
44 section of the Connecticut Bar Association who is involved with
45 brownfields remediation, appointed by the president pro tempore of
46 the Senate."

47 In line 55, strike "November" and insert "September" in lieu thereof

48 In line 62, after "years" insert "and subsequently by the
49 Commissioner of Economic and Community development or said
50 commissioner's designee for two years"

51 Strike section 3 in its entirety, and renumber the remaining sections
52 and internal references accordingly

53 In line 99, after "shall" insert the following: ", in consultation with
54 the Farmland Preservation Advisory Board established under section

55 22-26ll of the 2008 supplement to the general statutes,"

56 Strike line 104 in its entirety and substitute the following in lieu
57 thereof: "and the schedule of the state's contribution for joint
58 ownership projects initiated by"

59 Strike line 105 in its entirety and substitute the following in lieu
60 thereof: "municipalities shall be increased accordingly."

61 Strike lines 106 to 293, inclusive, in their entirety and renumber the
62 remaining sections and internal references accordingly

63 After the last section, add the following and renumber sections and
64 internal references accordingly:

65 "Sec. 501. (NEW) (*Effective from passage*) (a) The Commissioner of
66 Agriculture may establish a community farms program for the
67 preservation of farmland that does not meet the criteria of the
68 farmland preservation program established pursuant to section 22-26cc
69 of the general statutes for reasons of size, soil quality or location but
70 that may contribute to local economic activity through agricultural
71 production. The commissioner may purchase up to one hundred per
72 cent of the value of development rights directly from an eligible
73 owner, or may acquire development rights on qualifying farmland
74 jointly with a municipality, subject to the appraisal and review
75 required by the regulations adopted pursuant to this section. For the
76 purposes of this section, "development rights" and "owner" shall have
77 the same meaning as in section 22-26bb of the general statutes.

78 (b) If the Commissioner of Agriculture establishes a program in
79 accordance with subsection (a) of this subsection, the commissioner
80 shall, in consultation with the Farmland Preservation Advisory Board
81 established under section 22a-26ll of the 2008 supplement to the
82 general statutes, establish criteria for said program. Such criteria shall
83 give preference to farms that produce food or fiber, and at a minimum
84 shall consider (1) the probability that the land will be sold for
85 nonagricultural purposes, (2) the current productivity of the land and

86 the likelihood of continued productivity of such land, (3) the suitability
87 of the land for agricultural use, including whether the soil is classified
88 as locally important soils by the United States Department of
89 Agriculture, and (4) the demonstrated level of community support for
90 preservation of the parcel. The commissioner shall, in consultation
91 with said board, consider mechanisms that encourage continuation of
92 the land in agricultural production to maintain its long-term
93 availability and affordability for future generations of farmers,
94 including, but not limited to, deed restrictions or stewardship
95 requirements.

96 Sec. 502. Section 32-9kk of the 2008 supplement to the general
97 statutes is repealed and the following is substituted in lieu thereof
98 (*Effective July 1, 2008*):

99 (a) As used in subsections (b) to [(i)] (k), inclusive, of this section:

100 (1) "Brownfield" means any abandoned or underutilized site where
101 redevelopment and reuse has not occurred due to the presence or
102 potential presence of pollution in the buildings, soil or groundwater
103 that requires remediation before or in conjunction with the restoration,
104 redevelopment and reuse of the property;

105 (2) "Commissioner" means the Commissioner of Economic and
106 Community Development;

107 (3) "Department" means the Department of Economic and
108 Community Development;

109 (4) "Eligible applicant" means any municipality, a for-profit or
110 nonprofit organization or entity, a local or regional economic
111 development entity acting on behalf of a municipality or any
112 combination thereof;

113 (5) "Financial assistance" means grants, extensions of credit, loans or
114 loan guarantees, participation interests in loans made to eligible
115 applicants by the Connecticut Development Authority or combinations

116 thereof;

117 (6) "Municipality" means a town, city, consolidated town and city or
118 consolidated town and borough;

119 (7) "Eligible brownfield project" means the foreclosure,
120 investigation, assessment, remediation and development of a
121 brownfield undertaken pursuant to this subsection and subsections (b)
122 to [(i)] (k), inclusive, of this section;

123 (8) "Project area" means the area within which a brownfield
124 development project is located;

125 (9) "Real property" means land, buildings and other structures and
126 improvements thereto, subterranean or subsurface rights, any and all
127 easements, air rights and franchises of any kind or nature; [and]

128 (10) "State" means the state of Connecticut; and

129 (11) "Eligible grant recipients" means municipalities, economic
130 development authorities, regional economic development authorities,
131 or qualified nonprofit community and economic development
132 corporations.

133 (b) Subject to the availability of funds, the Commissioner of
134 Economic and Community Development may, in consultation with the
135 Commissioner of Environmental Protection, provide financial
136 assistance pursuant to subsections (e) and (f) of this section in support
137 of eligible brownfield projects, as defined in subdivision (7) of
138 subsection (a) of this section.

139 (c) An eligible applicant, as defined in subdivision (4) of subsection
140 (a) of this section, shall submit an application for financial assistance to
141 the Commissioner of Economic and Community Development on
142 forms provided by said commissioner and with such information said
143 commissioner deems necessary, including, but not limited to: (1) A
144 description of the proposed project; (2) an explanation of the expected
145 benefits of the project in relation to the purposes of subsections (a) to

146 (i), inclusive, of this section; (3) information concerning the financial
147 and technical capacity of the eligible applicant to undertake the
148 proposed project; (4) a project budget; (5) a description of the condition
149 of the property involved including the results of any environmental
150 assessment of the property; and (6) the names of any persons known to
151 be liable for the remediation of the property.

152 (d) The commissioner may approve, reject or modify any
153 application properly submitted. In reviewing an application and
154 determining the type and amount of financial assistance, if any, to be
155 provided, the commissioner shall consider the following criteria: (1)
156 The availability of funds; (2) the estimated costs of assessing and
157 remediating the site, if known; (3) the relative economic condition of
158 the municipality; (4) the relative need of the eligible project for
159 financial assistance; (5) the degree to which financial assistance is
160 necessary as an inducement to the eligible applicant to undertake the
161 project; (6) the public health and environmental benefits of the project;
162 (7) relative economic benefits of the project to the municipality, the
163 region and the state, including, but not limited to, the extent to which
164 the project will likely result in a contribution to the municipality's tax
165 base and the retention and creation of jobs; (8) the time frame in which
166 the contamination occurred; (9) the relationship of the applicant to the
167 person or entity that caused the contamination; (10) the length of time
168 the property has been abandoned; (11) the taxes owed and the
169 projected revenues that may be restored to the community; (12) the
170 type of financial assistance requested pursuant to this section; and
171 [(10)] (13) such other criteria as the commissioner may establish
172 consistent with the purposes of subsection (a) to [(i)] (k), inclusive, of
173 this section.

174 (e) (1) There is established a remedial action and redevelopment
175 municipal grant program to be administered by the Department of
176 Economic and Community Development for the purpose of providing
177 financial assistance in the form of grants to eligible grant recipients.
178 Eligible grant recipients may use grant funds for any development
179 project, including manufacturing, retail, residential, municipal,

180 educational, parks, community centers and mixed-use development,
181 and the project's associated costs, including (A) soil, groundwater and
182 infrastructure investigation, (B) assessment, (C) remediation, (D)
183 abatement, (E) hazardous materials or waste disposal, (F) long-term
184 groundwater or natural attenuation monitoring, (G) environmental
185 land use restrictions, (H) attorneys' fees, (I) planning, engineering and
186 environmental consulting, and (J) building and structural issues,
187 including demolition, asbestos abatement, polychlorinated biphenyls
188 removal, contaminated wood or paint removal, and other
189 infrastructure remedial activities.

190 (2) The Commissioner of Economic and Community Development
191 shall award grants on a competitive basis, based at a minimum on an
192 annual request for applications, the first of which shall be issued on
193 October 1, 2008, and the following to be issued on June first each year,
194 with awards being made by the following January first. The
195 commissioner, at the commissioner's discretion, may increase the
196 frequency of requests for applications and awards depending upon the
197 number of applicants and the availability of funding.

198 (3) A grant awarded pursuant to this section shall not exceed four
199 million dollars. If the eligible costs exceed four million dollars, the
200 commissioner may request and seek funding through other state
201 programs.

202 (4) If the eligible grant recipient develops and sells the property,
203 such applicant shall return any money received pursuant to this
204 subsection, to the brownfield remediation and development account
205 established pursuant to subsection (l) of this section, minus twenty per
206 cent, which such eligible grant recipient shall retain to cover costs of
207 oversight, administration, development and, if applicable, lost tax
208 revenue.

209 (5) Any eligible grant recipient shall be immune from liability to the
210 extent provided in subsection (a) of section 32-9ee.

211 (6) The eligible grant recipient may make low-interest loans to a

212 redeveloper, if the future reuse is known and an agreement with the
213 redeveloper is in place and the private party is a coapplicant. Loan
214 principal and interest payments shall be returned to the brownfield
215 remediation and development account established pursuant to
216 subsection (l) of this section, minus twenty per cent of the principal,
217 which the eligible grant recipient shall retain. If the eligible grant
218 recipient provides a loan, such loan may be secured by a state or
219 municipal lien on the property.

220 (7) Any eligible grant recipients that provide a loan pursuant to
221 subdivision (6) of this subsection shall require the loan recipient to
222 enter a voluntary program pursuant to section 22a-133x or 22a-133y
223 with the Commissioner of Environmental Protection for brownfield
224 remediation.

225 (8) Notwithstanding section 22a-134a, the eligible grant recipient
226 may acquire and convey its interest in the property without such
227 recipient or the subsequent purchaser incurring liability, including any
228 such liability incurred pursuant to section 22a-134a, provided the
229 property is being investigated or remediated pursuant to section 22a-
230 133x or 22a-133y or pursuant to an order issued by the Commissioner
231 of Environmental Protection and such investigation or remediation is
232 being performed in accordance with the standards adopted pursuant
233 to section 22a-133k as determined by said commissioner or, if
234 authorized by said commissioner, verified by a licensed environmental
235 professional unless such verification has been rejected by said
236 commissioner subsequent to an audit conducted by said commissioner
237 and provided the subsequent purchaser has no direct or related
238 liability for the site conditions.

239 (f) (1) The Department of Economic and Community Development
240 shall develop a targeted brownfield development loan program to
241 provide financial assistance in the form of low-interest loans to eligible
242 applicants who are potential brownfield purchasers who have no
243 direct or related liability for the site conditions and eligible applicants
244 who are existing property owners who (A) are currently in good

245 standing and otherwise compliant with the Department of
246 Environmental Protection's regulatory programs, (B) demonstrate an
247 inability to fund the investigation and clean-up themselves, and (C)
248 cannot retain or expand jobs due to the costs associated with the
249 investigating and remediating of the contamination.

250 (2) The commissioner shall provide low-interest loans to eligible
251 applicants who are purchasers or existing property owners pursuant to
252 this section who seek to develop property for purposes of retaining or
253 expanding jobs in the state or for developing housing to serve the
254 needs of first-time home buyers. Loans shall be available to
255 manufacturing, retail, residential or mixed-use developments,
256 expansions or reuses. The commissioner shall provide loans based
257 upon project merit and viability, the economic and community
258 development opportunity, municipal support, contribution to the
259 community's tax base, number of jobs, past experience of the applicant,
260 compliance history and ability to pay.

261 (3) Any loan recipient who is a brownfields purchaser and who (A)
262 receives a loan in excess of thirty thousand dollars, or (B) uses loan
263 proceeds to perform a Phase II environmental investigation, shall be
264 subject to section 22a-134a or shall enter a voluntary program for
265 remediation of the property with the Department of Environmental
266 Protection. Any loan recipient who is an existing property owner shall
267 enter a voluntary program with the Department of Environmental
268 Protection.

269 (4) Loans made pursuant to this subsection shall have such terms
270 and conditions and shall be subject to such eligibility, loan approval
271 and criteria, as determined by the commissioner. Such conditions shall
272 include, but not be limited to, performance requirements and
273 commitments to maintain or retain jobs. Loan repayment shall coincide
274 with the restoration of the site to a productive use or the completion of
275 the expansion. Such loans shall be for a period not to exceed twenty
276 years.

277 (5) If the property is sold before loan repayment, the loan is payable
278 upon closing, with interest, unless the commissioner agrees otherwise.
279 The commissioner may carry the loan forward as an encumbrance to
280 the purchaser with the same terms and conditions as the original loan.

281 (6) Loans made pursuant to this subsection may be used for any
282 purpose, including the present or past costs of investigation,
283 assessment, remediation, abatement, hazardous materials or waste
284 disposal, long-term groundwater or natural attenuation monitoring,
285 costs associated with an environmental land use restriction, attorneys'
286 fees, planning, engineering and environmental consulting costs, and
287 building and structural issues, including demolition, asbestos
288 abatement, polychlorinated biphenyls removal, contaminated wood or
289 paint removal, and other infrastructure remedial activities.

290 (7) For any loan made pursuant to this subsection that is greater
291 than fifty thousand dollars, the applicant shall submit a redevelopment
292 plan that describes how the property will be used or reused for
293 commercial, industrial or mixed-use development and how it will
294 result in jobs and private investment in the community. For any
295 residential development loan pursuant to this subsection, the
296 developer shall agree that the development will provide the housing
297 needs reasonable and appropriate for first-time home buyers or recent
298 college graduates looking to remain in this state.

299 (8) The loan program established pursuant to this subsection shall
300 be available to all qualified new and existing property owners.
301 Recipients who use loans for commercial, industrial or mixed-use
302 development shall agree to retain or add jobs, during the term of the
303 loan, unless otherwise agreed to by the Department of Economic and
304 Community Development, the Connecticut Development Authority
305 and the Connecticut Brownfield Redevelopment Authority. The
306 residential developer shall agree to retire the loan upon sale of the
307 units unless the development will be apartments.

308 (9) Each loan recipient pursuant to this subsection may be eligible

309 for up to two million dollars per year for up to two years, subject to
310 agency underwriting and reasonable and customary requirements to
311 assure performance. If additional funds are needed, the Commissioner
312 of Economic and Community Development may recommend that the
313 project be funded through the State Bond Commission.

314 [(e)] (g) The Commissioner of Economic and Community
315 Development shall approve applications submitted in accordance with
316 subsection (c) of this section before awarding any financial assistance
317 to an eligible applicant or purchasing any participation interest in a
318 loan made by the Connecticut Development Authority for the benefit
319 of an eligible applicant. Notwithstanding any other provision of this
320 section, if the applicant's request for financial assistance involves the
321 department purchasing a participation interest in a loan made by the
322 Connecticut Development Authority, such authority may submit such
323 application and other information as is required of eligible applicants
324 under subsection (c) of this section on behalf of such eligible applicant
325 and no further application shall be required of such eligible applicant.
326 No financial assistance shall exceed fifty per cent of the total project
327 cost, provided in the case of (1) planning or site evaluation projects,
328 and (2) financial assistance to any project in a targeted investment
329 community, such assistance shall not exceed ninety per cent of the
330 project cost. Upon approval of the commissioner, a nonstate share of
331 the total project cost, if any, may be satisfied entirely or partially from
332 noncash contributions, including contributions of real property, from
333 private sources or, to the extent permitted by federal law, from moneys
334 received by the municipality under any federal grant program.

335 [(f)] (h) Financial assistance may be made available for (1) site
336 investigation and assessment, (2) planning and engineering, including,
337 but not limited to, the reasonable cost of environmental consultants,
338 laboratory analysis, investigatory and remedial contractors, architects,
339 attorneys' fees, feasibility studies, appraisals, market studies and
340 related activities, (3) the acquisition of real property, provided
341 financial assistance for such acquisition shall not exceed fair market
342 value as appraised as if clean, (4) the construction of site and

343 infrastructure improvements related to the site remediation, (5)
344 demolition, asbestos abatement, hazardous waste removal, PCB
345 removal and related infrastructure remedial activities, (6) remediation,
346 groundwater monitoring, including, but not limited to, natural
347 attenuation groundwater monitoring and costs associated with filing
348 an environmental land use restriction, (7) environmental insurance,
349 and (8) other reasonable expenses the commissioner determines are
350 necessary or appropriate for the initiation, implementation and
351 completion of the project. The department may purchase participation
352 interests in loans made by the Connecticut Development Authority for
353 the foregoing purposes.

354 [(g)] (i) The commissioner may establish the terms and conditions of
355 any financial assistance provided pursuant to subsections (a) to [(i)]
356 (k), inclusive, of this section. The commissioner may make any
357 stipulation in connection with an offer of financial assistance the
358 commissioner deems necessary to implement the policies and
359 purposes of such sections, including, but not limited to the following:
360 (1) Providing assurances that the eligible applicant will discharge its
361 obligations in connection with the project; and (2) requiring that the
362 eligible applicant provide the department with appropriate security for
363 such financial assistance, including, but not limited to, a letter of credit,
364 a lien on real property or a security interest in goods, equipment,
365 inventory or other property of any kind.

366 [(h)] (j) The commissioner may use any available funds for financial
367 assistance under the provisions of subsections (a) to [(i)] (k), inclusive,
368 of this section.

369 [(i)] (k) Whenever funds are used pursuant to subsections (a) to [(i)]
370 (k), inclusive, of this section for purposes of environmental
371 assessments or remediation of a brownfield, the Commissioner of
372 Environmental Protection may seek reimbursement of the costs and
373 expenses incurred by requesting the Attorney General to bring a civil
374 action to recover such costs and expenses from any party responsible
375 for such pollution provided no such action shall be brought separately

376 from any action to recover costs and expenses incurred by the
377 Commissioner of Environmental Protection in pursuing action to
378 contain, remove or mitigate any pollution on such site. The costs and
379 expenses recovered may include, but shall not be limited to, (1) the
380 actual cost of identifying, evaluating, planning for and undertaking the
381 remediation of the site; (2) any administrative costs not exceeding ten
382 per cent of the actual costs; (3) the costs of recovering the
383 reimbursement; and (4) interest on the actual costs at a rate of ten per
384 cent a year from the date such expenses were paid. The defendant in
385 any civil action brought pursuant to this subsection shall have no
386 cause of action or claim for contribution against any person with
387 whom the Commissioner of Environmental Protection has entered into
388 a covenant not to sue pursuant to sections 22a-133aa of the 2008
389 supplement to the general statutes and 22a-133bb with respect to
390 pollution on or emanating from the property that is the subject of said
391 civil action. Funds recovered pursuant to this section shall be
392 deposited in the brownfield remediation and development account
393 established pursuant to subsections [(j)] (l) to [(m)] (o), inclusive, of
394 this section. The provisions of this subsection shall be in addition to
395 any other remedies provided by law.

396 [(j)] (l) There is established a separate nonlapsing account within the
397 General Fund to be known as the "brownfield remediation and
398 development account". There shall be deposited in the account: (1) The
399 proceeds of bonds issued by the state for deposit into said account and
400 used in accordance with this section; (2) repayments of assistance
401 provided pursuant to subsection (c) of section 22a-133u of the 2008
402 supplement to the general statutes; (3) interest or other income earned
403 on the investment of moneys in the account; (4) funds recovered
404 pursuant to subsection (i) of this section; and (5) all funds required by
405 law to be deposited in the account. Repayment of principal and
406 interest on loans made pursuant to subsections (a) to [(i)] (k), inclusive,
407 of this section shall be credited to such account and shall become part
408 of the assets of the account. Any balance remaining in such account at
409 the end of any fiscal year shall be carried forward in the account for

410 the fiscal year next succeeding.

411 [(k)] (m) All moneys received in consideration of financial
412 assistance, including payments of principal and interest on any loans,
413 shall be credited to the account. At the discretion of the Commissioner
414 of Economic and Community Development and subject to the
415 approval of the Secretary of the Office of Policy and Management, any
416 federal, private or other moneys received by the state in connection
417 with projects undertaken pursuant to subsections (a) to [(i)] (k),
418 inclusive, of this section shall be credited to the assets of the account.

419 [(l)] (n) Notwithstanding any provision of law, proceeds from the
420 sale of bonds available pursuant to subdivision (1) of subsection (b) of
421 section 4-66c of the 2008 supplement to the general statutes may, with
422 the approval of the Governor and the State Bond Commission, be used
423 to capitalize the brownfield remediation and development account
424 created by subsections [(j)] (l) to [(m)] (o), inclusive, of this section.

425 [(m)] (o) The commissioner may, with the approval of the Secretary
426 of the Office of Policy and Management, provide financial assistance
427 pursuant to subsections (a) to [(i)] (k), inclusive, of this section from the
428 account established under subsection [(j)] (l) to [(m)] (o), inclusive, of
429 this section.

430 Sec. 503. Section 22a-133dd of the general statutes is repealed and
431 the following is substituted in lieu thereof (*Effective from passage*):

432 (a) Any municipality or licensed environmental professional
433 employed or retained by a municipality may enter, without liability to
434 any person other than the Commissioner of Environmental Protection,
435 upon any property within such municipality for the purpose of
436 performing an environmental site assessment or investigation on
437 behalf of the municipality if: (1) The owner of such property cannot be
438 located; [or] (2) such property is encumbered by a lien for taxes due
439 such municipality; [or] (3) upon a filing of a notice of eminent domain;
440 (4) the municipality's legislative body finds that such investigation is in
441 the public interest to determine if the property is underutilized or

442 should be included in any undertaking of development,
443 redevelopment or remediation pursuant to chapter 130, 132, 445 or 581;
444 or (5) any official of the municipality reasonably finds such
445 investigation necessary to determine if such property presents a risk to
446 the safety, health or welfare of the public or a risk to the environment.
447 The municipality shall give at least forty-five days' notice of such entry
448 before the first such entry by certified mail to the property owner's last
449 known address of record.

450 (b) A municipality accessing or entering a property to perform an
451 investigation pursuant to this section shall not incur any liability
452 pursuant to section 22a-432 of the general statutes, or otherwise, for
453 any preexisting contamination or pollution on such property,
454 provided, however, a municipality may be liable for any pollution or
455 contamination resulting from a negligent or reckless investigation.

456 (c) The owner of the property may object to such access and entry
457 by the municipality by filing an action in the Superior Court not later
458 than thirty days after receipt of the notice provided pursuant to
459 subsection (a) of this section, provided any objection be limited to the
460 owner affirmatively representing that it is diligently investigating the
461 site in a timely manner and that any municipal taxes owed will be paid
462 in full.

463 Sec. 504. Section 11 of public act 06-184, as amended by section 15 of
464 public act 07-233, is amended to read as follows (*Effective July 1, 2008*):

465 (a) There is established a task force to study strategies for providing
466 long-term solutions for the state's brownfields.

467 (b) The task force shall consist of the following eleven members,
468 each of whom shall have expertise in brownfield redevelopment either
469 in environmental law, engineering, finance, development, consulting,
470 insurance or other relevant experience:

471 (1) Two appointed by the Governor;

- 472 (2) One appointed by the president pro tempore of the Senate;
- 473 (3) One appointed by the speaker of the House of Representatives;
- 474 (4) One appointed by the majority leader of the Senate;
- 475 (5) One appointed by the majority leader of the House of
476 Representatives;
- 477 (6) One appointed by the minority leader of the Senate;
- 478 (7) One appointed by the minority leader of the House of
479 Representatives;
- 480 (8) The Commissioner of Economic and Community Development,
481 or the commissioner's designee;
- 482 (9) The Commissioner of Environmental Protection, or the
483 commissioner's designee; and
- 484 (10) The Secretary of the Office of Policy and Management, or the
485 secretary's designee.
- 486 (c) Any member of the task force appointed under subdivision (1),
487 (2), (3), (4), (5), (6) or (7) of subsection (b) of this section may be a
488 member of the General Assembly. At least one member shall be an
489 employee.
- 490 (d) All appointments to the task force shall be made no later than
491 thirty days after the effective date of this section. Any vacancy shall be
492 filled by the appointing authority.
- 493 (e) The speaker of the House of Representatives and the president
494 pro tempore of the Senate shall select the chairpersons of the task force
495 [.] from among the members of the task force. Such chairpersons shall
496 schedule the first meeting of the task force, which shall be held no later
497 than sixty days after the effective date of this section.
- 498 (f) Not later than [February 1, 2008] January 1, 2009, the task force

499 shall submit a report on its findings and recommendations to the joint
500 standing committees of the General Assembly having cognizance of
501 matters relating to environment and commerce, in accordance with the
502 provisions of section 11-4a of the general statutes. The task force shall
503 terminate on the date that it submits such report or [February 1, 2008]
504 January 1, 2009, whichever is later."